

ICRC No: EMrt10110515

██████████,
Complainant,

v.

CR WORKS, INC.,
Respondent.

NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following Notice of Finding with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice occurred. 910 IAC 1-3-2(b)

On May 10, 2010, ██████████ ("Complainant") filed a complaint with the Commission against CR Works, Inc. ("Respondent") alleging unlawful retaliation, in violation of ██████████
██████████ the Indiana Civil Rights Law (IC 22-9, et seq.). Complainant is an employee and Respondent is an employer as those terms are defined by the Civil Rights Law. IC 22-9-1-3(h) and (i) Accordingly, the Commission has jurisdiction over the parties and the subject matter.

An investigation has been completed. Both parties have submitted evidence. Based on the final investigative report and a full review of the relevant files and records, the Deputy Director now finds the following:

The issue presented to the Commission is whether Respondent placed

Complainant on indefinite suspension because she filed a previous complaint of discrimination against Respondent. Direct evidence exists to indicate that Respondent did, in fact, suspend Complainant because she filed a complaint of discrimination. In a letter to Complainant dated April 30, 2010 (one week after Complainant filed the complaint) Respondent's Director stated she had received Complainant's civil rights complaint. She characterized the complaint as a "bogus charge of discrimination" and indicated that she felt very intimidated by Complainant's actions. As such, she indicated she was suspending Complainant's employment effective May 1, 2010. (Although she stated that Complainant was suspended until Respondent could get "mediation assistance" and "resolution" from EEOC, Complainant has never returned to work.) Based upon the foregoing, evidence is sufficient to support Complainant's allegations of retaliation. The Commission is obligated by statute to prevent discrimination against a person who has filed a complaint or otherwise assisted in the investigation of a complaint. IC 22-9-1-6(h)

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged in the above-referenced case. IC 22-9-1-18, 910 IAC 1-3-5 The parties may elect to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election, or the Indiana Civil Rights Commission will hear this matter. IC 22-9-1-16, 910 IAC 1-3-6

July 11, 2011
Date

Joshua S. Brewster, Esq.,
Deputy Director
Indiana Civil Rights Commission